

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 16, 2005
Bulk Item: Yes X No

Division: Growth Management
Department: Planning
Staff Contact Person: K. Marlene Conaway

AGENDA ITEM WORDING: Approval for two Restrictive Covenants from Ben P. & Carol A. Houser to have one dwelling unit on contiguous lots described as Lots 39 & 40, Amended Plat of Summerland Beach, Summerland Key and one dwelling unit on contiguous lots described as Lots 1 & 15, Summerland Beach 5th Addition, Summerland Key.

ITEM BACKGROUND: On January 26, 2005 the Planning Commission approved two allocation awards for the applicants listed below provided the applicants' Restrictive Covenants are approved by the BOCC. Ben P. & Carol A. Houser submitted the Restrictive Covenants to Monroe County. The applicants are receiving two dwelling unit allocation awards for the year ending July 13, 2005, have filed the document in accordance with Ordinance No. 47-1999.

PREVIOUS RELEVANT BOARD ACTION: On November 11, 1999, the BOCC adopted Ordinance No. 047-1999.

CONTRACT/AGREEMENT CHANGES: N/A.

STAFF RECOMMENDATION: Approval.

TOTAL COST: X

BUDGETED: Yes N/A No

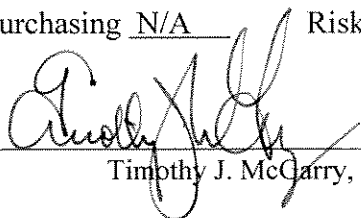
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** N/A **Year**

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:



Timothy J. McGarry, AICP

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #

M E M O R A N D U M

TO:: Danny Kolhage, Clerk of the Court
FROM: Timothy J. McGarry, Growth Management Director 
DATE: March 16, 2005
RE: Clarification of Agenda Item

Restrictive Covenant

Permit Number	Name on Agenda Item	Name on Restrictive Covenant	Legal Description
03-1-5645	Ben P. & Carol A. Houser	Ben P. & Carol A. Houser	Lots 39 & 40, Amended Plat of Summerland Beach, Summerland Key
03-1-5646	Ben P. & Carol A. Houser	Ben P. & Carol A. Houser	Lots 1 & 15, Summerland Beach 5 th Addition, Summerland Key.

LOT AGGREGATION RESTRICTIVE COVENANT

1. **WHEREAS**, Ben P. Houser Jr. and Carol A. Houser, a married couple, the undersigned are the sole owners of the following described real property located in Monroe County, Florida described as follows:

Lot(s) 39 & 40 Block(s) N/A

Subdivision: Amended Plat of Summerland Beach

Key: Summerland PB: 2-155

Real Estate #(s): 00196810.000000 and 00196820.000000
and

2. **WHEREAS**, this Lot Aggregation Restrictive Covenant restricts the use of the legally described property in order to receive a building permit; and

3. **WHEREAS**, the above described parcel(s) was assigned additional points in the Permit Allocation System for building permit # 03105645 for the voluntary reduction of density through aggregation of vacant, legally platted buildable lots.

4. **NOW, THEREFORE**, the undersigned agree as follows:

- The above described parcel(s) shall have its density reduced from two dwelling units to one dwelling unit in consideration of a building permit to build a single-family residence; and
- The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention of the undersigned by execution and recording of this document that this restriction shall run with the land and shall be forever binding upon the successors in title; and

- This covenant is intended to benefit and run in favor of the County of Monroe; and
- In the event of any breach or violation of the covenant contained herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

EXECUTED ON THIS 15 day of Feb, 2005.

OWNER OR OWNERS

[Signature]

Ben P. Houser, Jr.

[Signature]

Carol A. Houser

WITNESSES:

[Signature]
(Signature)

HENRY E. FAUST
(Print/Type Name)

[Signature]
(Signature)

JAMES SCHERER
(Print/Type Name)

Sworn before me this 15 day of Feb, 2005 A.D.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Lynette E. Faust, Notary Public
Franklin Twp., Carbon County
My Commission Expires July 1, 2005
Member, Pennsylvania Association of Notaries

LYNETTE E. FAUST
Notary Public (Print Name)

[Signature]
Notary Public (Signature)

My Commission Expires:

This instrument was prepared by:
Ben P. Houser, Jr.
240 Chapel Dr.
Lehighton, PA 18235

Lot Aggregation Restrictive Covenant
RE: 00196810.000000 and 00196820.000000

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MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

Date. 2.18.05

LOT AGGREGATION RESTRICTIVE COVENANT

1. **WHEREAS**, Ben P. Houser Jr. and Carol A. Houser, a married couple, the undersigned are the sole owners of the following described real property located in Monroe County, Florida described as follows:

Lot(s) 1 & 15 Block(s) N/A

Subdivision: Summerland Beach, Addition No. 5

Key: Summerland PB: 3-82

Real Estate #(s): 00198260.000000 and 00198120.000000
and

2. **WHEREAS**, this Lot Aggregation Restrictive Covenant restricts the use of the legally described property in order to receive a building permit; and

3. **WHEREAS**, the above described parcel(s) was assigned additional points in the Permit Allocation System for building permit # 03105646 for the voluntary reduction of density through aggregation of vacant, legally platted buildable lots.

4. **NOW, THEREFORE**, the undersigned agree as follows:

- The above described parcel(s) shall have its density reduced from two dwelling units to one dwelling unit in consideration of a building permit to build a single-family residence; and
- The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention of the undersigned by execution and recording of this document that this restriction shall run with the land and shall be forever binding upon the successors in title; and

- This covenant is intended to benefit and run in favor of the County of Monroe; and
- In the event of any breach or violation of the covenant contained herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

EXECUTED ON THIS 15 day of FEB, 2005.

OWNER OR OWNERS

[Signature]

Ben P. Houser, Jr.

[Signature]

Carol A. Houser

WITNESSES:

[Signature]
(Signature)

HENRY E. FAUST
(Print/Type Name)

[Signature]
(Signature)

JAMES SCHERER
(Print/Type Name)

Sworn before me this 15 day of FEB, 2005 A.D.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Lynette E. Faust, Notary Public
Franklin Twp., Carbon County
My Commission Expires July 1, 2005
Member, Pennsylvania Association of Notaries

LYNETTE E. FAUST
Notary Public (Print Name)

[Signature]
Notary Public (Signature)

My Commission Expires:

This instrument was prepared by:
Ben P. Houser, Jr.
240 Chapel Dr.
Lehigh, PA 18235

Lot Aggregation Restrictive Covenant
RE: 00198260.000000 and 00198120.000000

Page 2 of 2

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: [Signature] 2-18-05